

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Case No. CR-1-02-143

Plaintiff,

Judge Dlott

v.

SAMUEL PETER NICKOLAS,

Defendant.

**AFFIDAVIT OF SAMUEL PETER
NICKOLAS IN SUPPORT OF
DEFENDANT'S FOR
CONTINUANCE OF HEARING
DATE AND TO ALTER TRAVEL
RESTRICTIONS**

Samuel Peter Nickolas swears and subscribes that if he were called to testify he would testify as follows:

1. I hold a lease on a commercial real estate property located at 1010 Truman Avenue in Key West, Florida.
2. The property currently houses a commercial business named the "Iron Body Gym". I currently have a business interest in the gym with another individual.
3. The property also contains an apartment that I consider a second residence.
4. I have been informed that both properties were damaged by wind and

flooding caused by Hurricane Rita, which passed through the Florida Keys on September 20, 2005.

5. I have been informed by my business partner, Austin Henley, that the property sustained approximately 18 inches of flooding and an extensive clean up will need to be completed before the property can be used as a workout facility. Because I have not been able to travel to Key West, I have not had the opportunity to fully assess what damage has occurred or the extent of cleanup or repairs that will need to be undertaken.

6. It is my belief that it may take up to two weeks to assess, repair and clean the property so that it can reopen for use. I am concerned that if I am not immediately permitted to travel to work on the property, I may suffer additional financial loss by water damage and the closure of the workout facility. If the repair/cleanup work is completed more quickly than my two week estimate, I will notify my probation officer and immediately return to the Southern District of Ohio.

7. I submit to this Court that my request for a continuance of the Supervised Release hearing was not motivated by a desire to prolong the disposition of this matter, but was made in a sincere effort to protect and salvage this property.



SAMUEL PETER NICKOLAS


Sworn to and subscribed in my presence on September 23, 2005 in Cincinnati,
Ohio.



Notary Public
W. H. JOHNSON, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C.

ASSESSMENT

Florida DRIVER LICENSE CLASS D





The Sunshine State
LICENSE NUMBER
N242-795-59-185-0

SAMUEL P NICKOLAS
1010 TRUMAN AVE
KEY WEST, FL 33040-3350

BIRTH DATE	SEX	HGT.	REST.	ENDORSE.
05-25-59	M	5-10	B	

ISSUED	EXPIRES	DUPLICATE
07-10-03	05-25-09	00-00-00


ORGAN DONOR
X620307100814



SAFE DRIVER
MOTORCYCLE ALSO

Operation of a motor vehicle constitutes consent to any sobriety test required by law